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In re Application of
Franz Josef Brocker et al.
Application No. 09/629,482
Filed: July 31, 2000
Attorney Docket No.: 50487

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed December 19, 2005 and supplemented on January 19, 2005, to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181".

The application was held abandoned on August 19, 2004, for failure to file a timely reply to the non-Final Office Action mailed May 18, 2004. A three month period for reply was set. Accordingly, a Notice of Abandonment was mailed on December 8, 2005.

Petitioner asserts that a response was filed August 12, 2004. In support, petitioner has submitted, *inter alia*, a their filing log a copy of the search results from the Patent Application Information Retrieval system both showing an entry for an amendment on August 12, 2005. Additionally, petitioners have submitted a cover page used for submitting the response with a certificate of mail of August 12, 2004.

A search of the application file and the USPTO records does not disclose that the actual amendment is of record. It appears, from the proof submitted though that petitioner attempted to file the response in a timely manner but until such time as a proper response, the amendment is of record, the petition cannot be granted and the abandonment withdrawn.

Please submit the amendment, not just the cover page with a renewed petition for further consideration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
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